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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,296	09/17/2003	Toshiki Hirano	HSJ920030230US1	4582
7590	11/16/2006		EXAMINER	
WAGNER MURABITO & HAO LLP 123 WESTRIDGE DRIVE WATSONVILLE, CA 95076			KAPADIA, VARSHA A	
			ART UNIT	PAPER NUMBER
			2627	

DATE MAILED: 11/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/664,296	HIRANO ET AL.	
	Examiner Varsha A. Kapadia	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 8/29/06.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-22 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-22 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____ .	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

This office action is responsive to communication filed on August 29, 2006.

### Rejection Under 35 U.S.C. 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 13-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Imaino et al (5,929,326).

With regards to claim 1, Imaino et al disclose a disk drive (see fig.7) comprising: a base casting and at least one disk surface coupled to the base casting (See fig.7 element 100 and disclosure thereof); an actuator assembly for arcuately positioning at least one slider over the disk surface (See fig.7 element 138, 134 and disclosure thereof); a suspension load beam having a dimple (see fig.1 elements 18,15, 20 and disclosure thereof); a laminated flexure (see figs. 1-2 element 17,35,36,39, figs. 3-4 and disclosure thereof and col.4 lines 33-35) coupled to the suspension load beam (18), the flexure having a surface adapted to receive a slider and a surface adapted to contact dimple (see fig.3 element 63, fig.4 element 73 and disclosure thereof; and the paragraph bridging cols. 4 and 5), the flexure including a head-disk interaction sensor integral with the flexure for (see fig.3 element 60,68; fig.4 elements 70,78 and disclosure thereof) outputting a sensor signal.

With regards to claim 2, Imaino et al disclose a head-disk interaction sensor is an accelerometer (see col.1 lines 3-6 and col.3 lines 12-32, elements 60,68,70,78 and disclosure thereof).

With regards to claims 3 and 5, Imaino et al disclose a head-disk interaction sensor further includes a pressure sensor sensing pressure between the flexure and the dimple (see col.1 lines 3-6 and lines 48-54 and col.3 lines 12-32, elements 60,68,70,78 and disclosure thereof).

With regards to claims 4, 6 and 10-12, Imaino et al disclose that the sensor includes a piezoelectric layer and a conductive layer, each being formed as a layer of the laminated flexure and being patterned to correspond to a top surface of a back portion of the slider (see figs. 3-4 disclosure thereof , the paragraph bridging cols. 4 and 5 and col.5 line 57 to col.6 lines 28).

With regards to claims 8-9, Imaino et al disclose that the piezoelectric material layer and the conductive material layer are patterned to be a various shapes (see col.3 lines 11-15 and col.4 lines 12-22).

With regards to claim 7, Imaino et al disclose that the piezoelectric material layer generates voltage between a top and bottom portion of the layer when the slider contacts the disk (see col. 3. lines 20-32, figs. 5-7 and disclosure thereof).

With regards to claims 13-22 Imaino et al discloses write inhibit circuit for inhibiting write operation responsive to sensor signal including a filter circuit conditioning the sensor signal; (see col.1 lines 3-6; wherein the U.S. Pat. No. 5,423,207 incorporated by reference is relied upon for filter circuit capabilities including low-pass filter; high-pass filter, bandpass filter and passband filter limitations as recited in the claims 13-22.)

### **Response To Remarks**

Applicant's arguments filed on August 29, 2006 have been fully considered but they are not persuasive. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "a head-disk interaction sensor that is integrated within the flexure") are not recited in the rejected claim(s). What is claimed is "a head-disk interaction sensor integral with said flexure"(since the term "integral" is sufficiently broad to embrace constructions united by such means as fastening and welding, *In re Hotte*, 177 USPQ 326, 328 (CCPA 1973)). And as broad as the term integral construed, the Imaino et al reference meets the limitations as described above in this office action. (see Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

### **Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Varsha A. Kapadia whose telephone number is (571) 272-7557. The examiner can normally be reached on Mon Tue and Thurs. from 6:30 AM to 2:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea Wellington can be reached on 571 272 4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
VK

  
ANDREA WELLINGTON  
SUPERVISORY PATENT EXAMINER